



Doc.699668

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	Before the Examiner:
John R. Bianchi et al.)	Suzette J-J Gherbi
)	
Application of Serial No. 10/756,971)	Group Art Unit 3738
)	
Filed January 13, 2004)	Ref. No. MSDI-546
)	
OPEN INTERVERTBRAL SPACER)	

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned attorney of record hereby represents that the owners, SDGI Holdings, Inc., having a place of business at 300 Delaware Avenue, Suite 508, Wilmington, Delaware 19801, and Regeneration Technologies, Inc., having a place of business at 11621 Research Circle, Alachua, Florida 32615, together have a 100% ownership interest in the subject application and in U.S. Patent No. 6,695,882, as evidenced by the following documents.

With regard to the subject application, Assignment from Brad Estes, Lawrence M. Boyd and John Pafford to SDGI Holdings, Inc., as recorded by the U.S. Patent and Trademark Office on January 13, 2004 at Reel 014939, Frame 0224; Assignment from John R. Bianchi and Kevin C. Carter to University of Florida Tissue Bank, as recorded by the U.S. Patent and Trademark Office on January 13, 2004 at Reel 014921, Frame 0742; and Assignment from Southeast Tissue Alliance, Inc., University of Florida Orthopaedic Tissue Bank, Inc. and University of Florida Tissue Bank, Inc. to Regeneration Technologies, as recorded by the U.S. Patent and Trademark Office on February 25, 2005 at Reel 015796, Frame 0186. With regard to U.S. Patent No. 6,695,882, Assignment from Brad Estes, Lawrence M. Boyd and John Pafford to SDGI Holdings, Inc., as recorded by the U.S. Patent and Trademark Office on December 28, 2001 at Reel 012438, Frame 0026; Assignment from John R. Bianchi and Kevin C. Carter to University of Florida Tissue Bank, Inc., as recorded by the U.S. Patent and Trademark Office on December 28, 2001 at Reel 012441, Frame 0519; and Assignment from Southeast Tissue Alliance, Inc.,

University of Florida Orthopaedic Tissue Bank, Inc. and University of Florida Tissue Bank, Inc. to Regeneration Technologies, Inc., as recorded by the U.S. Patent and Trademark Office on February 25, 2005 at Reel 015796, Frame 0186.

The undersigned attorney of record, on behalf of the owners, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,695,988 (hereafter "the prior patent"), as the term of the prior patent is defined in 35 U.S.C. §§154 and 173, and as the term of the prior patent is presently shortened by any terminal disclaimers. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 and 173 of the prior patent, as the term of the prior patent is presently shortened by a terminal disclaimer, in the event that the prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321; has all claims cancelled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Enclosed is the statutory fee of \$130.00 pursuant to 37 C.F.R. §1.20(d). In addition, please provide any extensions of time that may be necessary and charge any fees that may be due to Deposit Account No. 12-2424, but do not include any payment of issue fees that are or may become due.

Date: July 14, 2006

Respectfully submitted,

By: 

Brad A. Schepers
Reg. No. 45,431
Krieg DeVault LLP
One Indiana Square, Suite 2800
Indianapolis, Indiana 46204-2079